

PACIFIC COAST RATE ORDER IS UPHELD

Justice Brandeis Announces Supreme Court's Decision Against Inland Cities.

INUNCTION IS DISSOLVED

182 Towns Lose the Fight Involving Long and Short Haul Problem.

WASHINGTON, Dec. 4.—Inland cities of the Pacific slope lost their fight in the Supreme Court today against an order of the Interstate Commerce Commission granting lower transcontinental railroad freight rates to San Francisco, Oakland, Portland, Seattle and other coast cities.

Associate Justice Brandeis announced the unanimous decision of the court dissolving an injunction against enforcement of the order secured in the California Federal Court by the inland cities, which contended they were entitled to classification as coast terminals, and that water transportation through the Panama Canal, the basis of the lower rates to the coast, had ceased.

The cities and towns affected number 182, including Sacramento, Stockton, San Jose and Santa Clara.

The decision sustained the contentions of the Government, the commission and the railroads in an appeal from the action of the lower court.

Justice Brandeis's Comment. Report to the courts to nullify the commission's order was commented on by Justice Brandeis's opinion as follows: "To permit communities or shippers to seek redress for such grievances (referred to in the case under consideration) in the courts would invade and often nullify the administrative authority vested in the commission."

Oppose the claim that Panama Canal steamship competition had been eliminated Justice Brandeis said: "It was the increased effectiveness of water competition due to the opening of the Panama Canal—a notable change in conditions—which compelled the rate readjustment of which they (the inland cities) complain."

It is asserted that the commission exceeded its authority in granting the lower rates to the coast cities. In alleged absence of application by the railroads for such action, this comment was made: "Such a construction would make section 4 unworkable and defeat the purpose of the amendment (authorizing the commission to authorize lower rates for long hauls than for short hauls). It is at variance with the broad discretion vested in the commission."

Other Decisions Headed Down. Iowa and Pennsylvania laws prescribing butter fat standards for ice cream were upheld as constitutional in test cases attacking their validity as arbitrary exercise of State "police powers," although designed to prevent adulteration of food products.

Alabama's law of 1911 providing franchise taxation of domestic corporations' capital stock was upheld.

Dismissal of Federal indictment of 1914 against Hermann H. Oppenheimer, a New York attorney, for alleged conspiracy to conceal the assets of a Government firm of Joseph Samuels & Co. was affirmed.

In the appeal of William Briggs of Topeka, convicted of violating a Kansas law which punished "barren" rice by prohibition statutes by making falsities of second offences, the court left the law undisturbed by dismissing Briggs's appeal for lack of jurisdiction, although deciding the statute's constitutionality.

By a vote of 6 to 3 the court held that James Sim and Thomas P. Alder of New York are entitled to recover nearly \$110,000 from William Edensborn, New Orleans and New York capitalist, subscribed to him as syndicate manager for stock of the Chesapeake and Potomac Company in 1902. The company became insolvent.

Associate Justice Clarke gave his first opinion, holding that under the sixteen-hour law for railroad men neglect to report instances of excessive service, if not in bad faith, does not make the road liable to the penalty of \$100 a day. The court affirmed dismissal of a Government suit against the Northern Pacific Railway to collect penalties.

SQUADRON PUTS TO SEA. Wyoming Leads Battleships and Cruisers Through Narrows.

The battleships and cruisers of the Atlantic squadron, which have been lying at anchor in the Hudson River, went to sea yesterday afternoon.

The Wyoming leads the squadron, with Rear Admiral De Witt Coffman on board, led the line. Following her were the cruisers Baltimore and San Francisco, the battleship Connecticut, New York and Texas, the supply ship Lebanon and the despatch boat Yankton.

As each vessel passed lower Staten Island the fleet made a salute to Admiral H. T. Mayo, the commander of the Atlantic fleet, who watched the warships leave from the deck of the battleship Pennsylvania.

COAL DROPS TO \$7.75 A TON. Mild Weather and More Available Cars Given as Reasons.

Coal is cheaper. Dealers who were asking \$8.75 a ton a week or so ago, and were getting it, are now selling it for \$7.75, and others are charging all the way up to \$8.50.

These prices, which are higher than the prices of bygone years, are much lower than the prices of three weeks ago, when dealers were getting \$13 a ton.

ACKS'S PLEA MADE TO FREE ONLY BROTHER

Young Man Who Tried to Reach President Tells Court He Meant No Harm.

Joseph Acks, the young Austrian who resisted detectives and secret service men at the Waldorf-Astoria Hotel Saturday night as he was making his way toward President Wilson with a letter, was arraigned before Magistrate Marsh in Jefferson Market court yesterday and later sent to Bellevue Hospital for observation.

Acks in a rambling and somewhat incoherent manner explained that he did not know he was committing any offense in trying to deliver the letter to the President. He had written twice to W. J. Bryan when Mr. Bryan was Secretary of State, he said, trying to get this Government to interpose in behalf of his brother who was a prisoner in a British camp. He received no reply.

"My brother never has been a soldier and never has borne arms," Acks told the court. "I don't know why he's a prisoner, but he is. I thought I would give the letter I wrote Saturday night to the President personally, asking him as a matter of courtesy and not as a matter of law."

Tears stood in the young man's eyes as he quavered out his story. He said Walter R. Deuel was his lawyer, but Mr. Deuel informed the court that he was ignorant of having been retained. "The British Government is so mean," the prisoner said in a final word of extenuation as he was led away.

N. Y. ASKS TO BUILD A BATTLE CRUISER

Bids for Four Ships to Be Opened To-morrow in Washington.

WASHINGTON, Dec. 4.—Shipbuilders are gathering in Washington for the opening of bids for four battle cruisers on Wednesday—the highest powered, fastest and most expensive naval vessels ever designed. They will be of approximately 35,000 tons displacement, must make thirty-five knots speed and will be armed with eight 14 inch rifles. The cost limit is \$18,000,000 for each vessel.

In case the private shipyards cannot meet the requirements of the Navy Department there is talk of undertaking the construction of these huge craft in the navy yards, the idea being to construct the first in the navy yard in New York. Secretary Daniels is considering the advisability of constructing an extra slip in the New York Navy Yard to permit additional work on battleships or battle cruisers. The estimated cost is \$600,000.

At present there are no docking facilities on the Atlantic coast for a slip of the battle cruiser type which is contemplated, but Secretary Daniels expects to solve this problem before any of these craft are ready for the service.

Rear Admiral Harris, chief of yards and docks, was directed today to investigate conditions in the New York yard after a delegation of Representatives in Congress and business men from New York and Brooklyn requested Secretary Daniels to build a slip there.

2,000,000 ORANGES TOO RIPE

Shipments Valued at \$50,000 Are Destroyed Here in Week.

Two million oranges, much too ripe for consumption, were destroyed in New York in the last week by a squad under the supervision of Lucius P. Brown, head of the Bureau of Foods and Drugs of the Department of Health. It was announced yesterday.

The oranges were taken from shipping and railroad terminals. They aggregated about 250 tons and were mostly from Porto Rico and Jamaica. The loss to the shippers will be about \$50,000.

EFFICIENCY STAFF IS CALLED "BUNK"

City's Economic Expert Attacked by Tammany Alderman in Speech.

BUDGET CUT INDORSED Mayor Expected to Veto Paring Off of Salary Increases.

After wrangling and indulging in speeches for more than four hours, the Board of Aldermen approved yesterday the action of the Finance Committee of the board in cutting \$120,420 from the 1917 budget of \$211,115,016.82. The final vote was 52 to 19. The budget now goes to the Mayor, and it was freely predicted in City Hall after the adjournment of the Aldermen that the Mayor will veto every cut made. It will then require a three-fourths vote of the board to defeat the Mayor's veto, and this has never before been done.

The Finance Committee, in its report to the full board, in explaining the reasons for the cuts, stated that it was not deemed wise in view of the present burden upon the citizens and taxpayers, to increase the salary of any city employee who is receiving \$4,000 or more a year. The Finance Committee approved heartily the increase for firemen and patrolmen, but slashed the increases of well paid officials right and left.

Of the total amount eliminated from the budget, \$34,500 was increase in salaries; \$36,570 for new positions and \$49,350 in reductions of the present force of employees.

The largest increase on the list was for Frank Dowling, President of the Board of Aldermen, who was slated for a raise to \$7,500 a year from \$5,000. At the request of Dowling himself this increase was eliminated.

Bureau Directors Hit. Increases of \$1,500 each for George L. Tirrell and Tilden Adamson, two bureau directors under the supervision of the Board of Estimate, were cut out. They would have received \$7,500 instead of their present salary of \$6,000. This is the second time increases for these two men have been cut by the Aldermen.

The salary of \$10,000 a year for the services of an "executive manager" of the Board of Education was wiped out by the board along with a blistering criticism of the Board of Estimate for having created such a position. Leo Arnstein, former assistant to George McAneny while he was Borough President, is slated for this job and will get it if the Mayor vetoes the action of the board.

Another cut, which was approved by the board after the Democratic members had vented their feelings sufficiently on the matter, was in the appropriation of \$10,000 for Prof. William Wirt, who has been installing the Gary system in the public schools. The appropriation was cut to \$5,000, although many Tammany members were in favor of cutting it out altogether. The burden of their remarks on this subject was that there are plenty of capable experts in this city who could be engaged without bringing a man from another State to do the work.

Efficiency Staff Attacked. The "efficiency staff" of the Commissioner of Accounts office came in for a slash in salaries and an attack. "This efficiency staff is all bunk," was the way one of the Democratic Aldermen summed it up and this view was followed by other speakers.

Cuts were also made in the office of the President of Manhattan, Board of Health, Fire Department and in a number of other departments directly under the Mayor's direction. The raise to \$12,000 from \$10,000 for Merritt H. Smith, chief engineer of the Department of Water Supply, Gas and Electricity was lopped off, and many other employees who already receive \$4,000 or more

None of the smaller increases was disturbed. The heads of virtually all the departments affected by the cuts appeared before the board in person and made pleas for the retention of increases for the employees who had been cut in their departments. Commissioner Robert Adams made a plea for an increase for Fire Marshal Brophy and Inspector John Healy, while Leonard Wallstein, Commissioner of Accounts, wanted the board to leave his efficiency experts alone.

Alderman Henry H. Curran, leader of the fusion minority, made a stubborn fight against the reductions, which unloosed the Tammany orators, thereby providing amusement for the gallery. Curran wanted each cut taken up individually, but the Democratic majority defeated this plan and it was decided to consider the entire cut of \$120,420 as a whole.

After four hours of debate, with Curran and a few supporters claiming that the Democrats were acting unfairly by making the cuts, and the Democrats retorting by recalling that a year ago when Curran was chairman of the Fi-

nance Committee the cuts were twice as heavy, the board finally took a vote, the budget being approved as amended by the Finance Committee.

It is expected that the Mayor will veto the budget and return it to the board before the end of the week.

Teacher a Suicide by Drowning. ATLANTIC CITY, Dec. 4.—Miss Mattie Anderson, a school teacher from Front Royal, Va., committed suicide here today by drowning in the ocean. She was walking with her mother on the Boardwalk when she suddenly dashed into the water and remained recumbent. She is said to have been suffering from a nervous breakdown.

Third Death From Race. UNIONTOWN, Pa., Dec. 4.—Frank Galvin, the automobile driver who was injured when his mechanic, Gaston Weiga, and Hughie Hughes, another driver, were killed at the Uniontown Speedway last Saturday afternoon, died in the hospital here today. Galvin's skull was fractured.

WOMAN INTRUDER ARRESTED

Savoy Guest Finds Unexpected Visitor in His Room.

A guest in the Savoy Hotel, Fifty-ninth street and Fifth avenue, returning to his room yesterday found a stylishly dressed woman comfortably ensconced in a rocking chair by the window. He knew he never had had the privilege of an introduction to his unexpected visitor and therefore thought it proper to make inquiries.

"What are you doing here?" he asked. The young woman took the situation calmly and somewhat staggered the guest by retorting that it was her room. Viewing his apparel about the room he suggested to her that it hardly could be that she wore this garment or that, as he pointed them out to her, or that the suitcase on the floor was hers.

The guest called in William Daniel, night manager of the hotel, and Mr. Daniel thought it was a case for the police. The young woman, still unperturbed, was taken to Police Headquarters, where she gave the name of Mrs.

MRS. SANGER DENIED A JURY

Birth Control Advocate Must Face Special Sessions Justices.

Mrs. Margaret Sanger, whose birth control clinic at 46 Amboy street, Brooklyn, was raided twice by the police recently, was yesterday denied a trial before a jury by Justice Kelby. She will face the Justices of Special Sessions on the charge of violating section 1142 of the Penal Code.

In her application for a jury trial Mrs. Sanger said she wanted to test the constitutionality of that section. The court, however, decided that if she is convicted in the lower court she may appeal from its decision and have her doubts settled.

Flags in Municipal Court. An American flag will adorn every one of the forty-two court rooms of the Municipal Court after January 1, according to Justice John R. Davies. The money for the flags was appropriated by the Board of Estimate.

CITY GETS E. J. COOLEY

Buffalo Probation Officer Named to Similar Position Here.

Edwin J. Cooley, who has been chief probation officer of Buffalo since 1909, was appointed yesterday to a similar position for the five boroughs of New York by Chief Magistrate McAdoo. The place, which was created in 1915 by the Legislature through the adoption of the interior courts act, pays \$5,800 a year.

Cooley has had years of experience as a probation officer and it was for this reason that he was selected from the civil service list ahead of George D. McKay, who has been acting chief officer.

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Studebaker has centered its great resources and experience on ONE BASIC DESIGN, with all parts interchangeable for both the FOUR and SIX, except the motor. One equipment of machinery, tools, character of manufacturing operations and quality of material suffices for both models.

No revolutionary changes have been made in the basic Studebaker design for four years. The same group of EMINENT ENGINEERS AND DESIGNERS are responsible for the evolution of the new Series 18 models, yet the many improvements and refinements adopted as the result of our experience have made these new models decidedly the best cars we have ever produced. They are sold with our guarantee of prompt and efficient service and the replacement without charge for defective parts, if any are developed, within one year from date of sale. We guarantee our cars to give absolute satisfaction, provided they receive the care a highly developed piece of machinery should receive.

The Series 18 cars are leaders in the industry, history makers, which put Studebaker in the lead with new and greater values at popular prices. Studebaker has led the way in nearly every forward step in automobile construction in which the owner profited. STUDEBAKER WAS THE FIRST

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- to produce the now popular crown fenders;
- and, finally, Studebaker was the first manufacturer of FINE CARS to offer its product at medium prices, thus leading the way to greater values and compelling other manufacturers to increase values and reduce prices.

Studebaker has \$13,000,000 invested in the most efficient and modern plants in which it manufactures all of its engines, axles, transmissions, differentials, bodies and tops. Middlemen's profits (parts makers) included in the price of assembled cars and small manufacturers' cars are almost entirely eliminated in Studebaker selling prices. It is necessary to pay from 50% to 100% more than Studebaker prices for cars of corresponding value.

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NEW AUXILIARY CHAIRS. Arm chairs, original and exclusive with Studebaker, patent applied for. These large, roomy and comfortable chairs fold up and slide under rear seat when not in use. They dispense with the unsightly recesses in the tonneau floor and with slat carpets, commonly used in other cars. When these chairs are underneath the back seat the Studebaker is a roomy, beautiful FIVE-PASSENGER CAR—instead of the regular seven-passenger car.

REVERSIBLE FRONT SEAT. Original and exclusive with Studebaker, the front passenger seat is reversible so that passenger can sit facing tonneau or facing forward. Both front seats are covered with leather, have large and handsome robe strap, and are adjustable to all leg lengths. No more comfortable seats are found in any car, regardless of price.

The Four-Cylinder Car Still Remains a 7-Passenger 40 Horse Power Car
The Six-Cylinder Car Still Remains a 7-Passenger 50 Horse Power Car

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FOUR-CYLINDER MODELS	STUDEBAKER	SIX-CYLINDER MODELS	
FOUR Chassis	\$ 850	SIX Chassis	\$1090
FOUR Roadster	930	SIX Roadster	1170
FOUR Touring Car	940	SIX Touring Car	1180
FOUR Every-Weather Car	1140	SIX Landau Roadster	1350
FOUR Landau Roadster	1180	SIX Every-Weather Car	1380
		SIX Touring Sedan	1700
		SIX Coupe	1750
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The power-flow developed by the Saxon "Six" motor is 98% smoother than that of the best known "four" in its price-class. That is why Saxon "Six" picks up faster, is more flexible, and is capable of far greater pulling power.



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Specifications: New body design, larger body, new finish, 12" brakes, 41 1/2" full cantilever type rear spring, 3" crankshaft, tilted windshield, new style top with Grecian rear bow, new style fenders, instruments mounted on cowd dash, chrome vanadium valve springs, new design carburetor, 11 1/2" wheelbase, light weight six-cylinder high speed motor, 3 1/2" x 3 1/2" tires, demountable rims, two unit starting and lighting system, Timken axles, full Timken bearings, and twenty further refinements.

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Trolley Car KILLS Painter. Harry Pengl, a painter, of 295 West 17th street, was killed yesterday afternoon at Eighth street and 140th street by a trolley car. A working crew spent fifteen minutes releasing his body.